

 KENTUCKY CORRECTIONS Policies and Procedures	Policy Number	Total Pages
	25.12	8
	Date Filed	Effective Date
	May 8, 2012	July 6, 2012
References/Authority KRS 17.500, 17.550, 196.035, 197.020, 197.170, 440.010, 520.010, 532.200, 532.210, 532.220, 532.230, 532.240, 532.250, 532.260, 532.262 CPP 27-15-02	Subject HOME INCARCERATION AND MONITORING OF INMATES	

I. DEFINITIONS

“Approved monitoring device” is defined in KRS 532.200(5).

“Eligibility list” means a computer-generated list of the names of inmates who are within three hundred ninety-five (395) days of their minimum expiration date.

“Emergency” means an unexpected, legitimate condition that would cause a reasonable inmate to violate a condition, order or directive relating to home incarceration and monitoring.

“Escape” is defined in KRS 520.010(5).

“Home” is defined in KRS 532.200(1).

“Home incarceration” is defined in KRS 532.200(2).

“Sex crime” is defined in KRS 17.500.

“Violent offense” is defined in the Classification Manual incorporated by reference in 501 KAR 6:080.

II. POLICY and PROCEDURE

A. In order to maintain a program for review of inmates for home incarceration and electronic monitoring pursuant to KRS 532.260, the Program Administrator shall:

1. Oversee and manage the home incarceration and electronic monitoring program for inmates;
2. Monitor procedures for the program and recommend revisions if necessary;

Policy Number	Effective Date	Page
25.12	July 6, 2012	2

3. Review and approve or disapprove placement in the home incarceration program;
 4. Collect data relevant to the program; and
 5. Maintain a list of inmates and offenders on home incarceration.
- B. In order for an inmate to be considered for transfer to home incarceration, the inmate shall:
1. Meet the eligibility requirements of KRS 532.260(1);
 2. Have no prior convictions for a violent offense or sex crime;
 3. Have ten (10) months or less to serve on his sentence;
 4. Participate in a discharge planning process in accordance with KRS 532.260(1)(c);
 5. Not have a pending felony charge, detainer, warrant or other process issued by a jurisdiction. Misdemeanors warrants shall be considered on a case-by-case basis and may exclude the individual from the program;
 6. Not have an active domestic violence order;
 7. Not have more than ninety (90) days restorable good time loss;
 8. Not be determined guilty of any category VII disciplinary violation within the last five (5) years;
 9. Freely and voluntarily agree in writing to home incarceration and the conditions set by the Department of Corrections and KRS 532.220; and
 10. Have an approved home placement within the state of Kentucky.

III. REVIEW PROCEDURES

- A. Institutional Review, Community Service Center (CSC) Review, and Local Facility and Jail Review Procedures
1. Home Incarceration Program (HIP) staff shall print an eligibility list of inmates serving on a Class C or D felony.
 2. This list shall be forwarded to designated personnel on the first working day of the month and on the 16th or the first business day after the 16th. The list shall then be forwarded to the assigned institutional Classification

Policy Number	Effective Date	Page
25.12	July 6, 2012	3

and Treatment Officer (CTO), Reentry Coordinator, or Home Incarceration Program (HIP) CTO.

3. The CTO, Reentry Coordinator, or HIP CTO shall review inmates for program eligibility, conduct interviews, and process the appropriate paperwork within fourteen (14) days of receipt of the eligibility list.

B. For each inmate on the list, the institutional CTO, Reentry Coordinator, or HIP CTO shall:

1. Review the inmate record to determine if the inmate is eligible. If the inmate is not eligible, the CTO, Reentry Coordinator, or HIP CTO shall state the specific reasons for ineligibility in writing and document this in the Kentucky Offender Management System (KOMS);
2. Interview an eligible inmate to determine if the inmate wants to volunteer for the home incarceration program;
3. Obtain the inmate's written agreement to participate in home incarceration and document institutional review of eligibility;
4. Verify that the home placement is willing to accept the offender into the home; and
5. Forward documentation to the Central HIP office for processing.

C. Central HIP Office Review of the Participant and Decision

1. Central HIP Office processing of the participant shall include:
 - a. An audit of the inmate's sentence calculation by Offender Information Services;
 - b. A final review by the Program Administrator and submission to the probation and parole officer and district supervisor of the county in which the inmate plans to reside; and
 - c. Assessment of the home placement by Probation and Parole.
2. All home placement requests shall be returned to the institution and Central HIP Office within ten (10) working days of receipt of the request.
3. The Central Office HIP Program Administrator or designee shall review the recommendation and ineligibility determinations for accuracy. If accepted, Central HIP Office staff shall:

Policy Number	Effective Date	Page
25.12	July 6, 2012	4

- a. Notify the vendor, Central Office Offender Information Services, the appropriate Probation and Parole District Office, and the inmate's current facility of the transfer date. Staff shall forward documentation via email and scan into KOMS; and
 - b. Verify receipt of documentation to transfer the inmate.
- 4. The CTO, HIP CTO, or Reentry Coordinator shall notify the inmate of acceptance or rejection for participation.
- D. In the absence of the assigned HIP CTO, the Central Office HIP Program Administrator shall assign another HIP CTO to process the required documentation.
- E. The Central Office HIP Program Administrator or designee shall conduct a periodic audit of the recommendation and ineligibility determinations for accuracy.

IV. CONDITIONS OF PROGRAM

- A. An inmate placed on home incarceration shall:
 - 1. Have the ability to be monitored through a telephone landline unit or cellular network tower that is compatible with an approved monitoring device;
 - 2. If applicable, pay any restitution owed from earnings;
 - 3. Report to the assigned probation and parole officer as directed and for approval of schedule changes as needed; and
 - 4. In an emergency:
 - a. Contact with Officer
 - (1) Attempt to contact officer and obtain permission for deviation from schedule; or
 - (2) Call officer as soon as offender is able to do so; and
 - b. Provide proof of emergency as requested by officer.
- B. The inmate may be lodged in the county jail on a community service center detainer if a violation occurs. Violations that may be subject to lodging on a detainer may include, but are not limited to:

Policy Number	Effective Date	Page
25.12	July 6, 2012	5

1. Use or possession of alcohol or illegal drugs;
 2. Possession of a deadly weapon or dangerous instrument;
 3. Unauthorized change of home placement;
 4. Failure to report to probation and parole officer as directed;
 5. Failure to submit to a drug test at the request of Department of Corrections staff;
 6. Leaving the county of residence without authorization;
 7. Tampering with or removal of the electronic monitoring equipment;
 8. Unauthorized absence from home in excess of one hour and thirty minutes (1.5 hours); or
 9. An arrest for a misdemeanor or felony offense committed while on the home incarceration program.
- C. If the HIP participant loses his home placement and no violation has occurred, the offender shall be returned to the custody of the Department of Corrections and be given the opportunity to find another home placement within two (2) weeks. If another home placement is not available, the offender shall remain in the custody of the DOC with no HIP violation.
- D. An inmate who violates the terms of home incarceration may be returned to an institution or jail. If the violation was an absence from required placement for longer than one hour and thirty minutes, the inmate may be charged with escape.

V. TRANSFER PROCEDURES

- A. Upon approval of transfer to home incarceration, HIP Central Office staff shall notify the facility from which the inmate is being transferred, the local Probation and Parole District Supervisor and district staff, Offender Information Services, Reentry Coordinators, institutional staff, vendor, and HIP CTO of the date of transfer.
- B. Prior to release, the vendor shall enter the necessary information for the initial enrollment in the electronic monitoring service provider's web-based system.
- C. Prior to release of the inmate, all appropriate home incarceration documentation shall be completed and signed.

Policy Number	Effective Date	Page
25.12	July 6, 2012	6

- D. Upon release, the inmate shall be provided the date and time to report to the probation and parole district office to be fitted with the approved monitoring device. All hook up and termination of equipment shall be completed by the electronic monitoring service provider or trained DOC staff.
- E. If an inmate is released from an institution, the institution's Offender Information Services staff shall enter the external movement into KOMS transferring the inmate to home incarceration. If the inmate is released from a local jail facility or halfway house, Central Office Offender Information Services staff shall enter the external movement into KOMS transferring the inmate to home incarceration.

VI. RESPONSIBILITIES OF THE PROBATION AND PAROLE OFFICER DURING BUSINESS HOURS (8:00 am - 4:30 pm Monday-Friday excluding State Holidays)

- A. The Probation and Parole District Office shall monitor an inmate on home incarceration. Inmates on home incarceration shall be tracked using the monitoring service provider's web-based system.
- B. The inmate shall obtain prior approval from the assigned probation and parole officer for any changes in the inmate's schedule. The designated probation and parole officer shall enter all changes in the schedule into the electronic monitoring service provider's web-based system or notify the vendor of the needed change.
- C. All information generated by the monitoring service for an inmate on home incarceration shall be reviewed by the designated probation and parole officer each business day.
- D. The probation and parole officer shall report any home incarceration violations to the District Supervisor or designee. The probation and parole officer shall enter a case note into KOMS for each home incarceration violation. The Central Office HIP Program Administrator shall be notified during business hours and provided with a supervisory report if the inmate is returned to the institution or jail due to a violation.
- E. Upon initial notification of violation by the vendor, the probation and parole officer shall attempt to call or visit the inmate to verify compliance.
- F. If an inmate has an unexcused absence of one hour and thirty minutes (1.5 hours) or more, with the time calculated from the monitoring center's first notice of violation, the probation and parole officer or his designee shall make a home visit and verify if the inmate is at home and in compliance. If the offender is not at home and non-compliant, the officer shall contact the District Supervisor or designee and the appropriate law enforcement agency. The Central Office HIP Program Administrator or designee shall contact the appropriate individuals for

Policy Number	Effective Date	Page
25.12	July 6, 2012	7

issuance of an escape warrant pursuant to KRS 440.010. A special supervisory report shall be submitted by the probation and parole officer the next business day.

- G. If the escapee is apprehended, the probation and parole officer shall contact the Kentucky State Police post in the area of the HIP assignment or local law enforcement to file escape charges and any additional charges that pertain to the escape from home incarceration. The probation and parole officer shall verify that charges have been filed.

VII. RESPONSIBILITIES OF CENTRAL OFFICE DURING BUSINESS HOURS (8:00 am – 4:30 pm Monday-Friday excluding State Holidays)

- A. The Central Office HIP Program Administrator or designee shall notify Offender Information Services, Local Facilities and VINE of an escape. An escape report with all pertinent information shall be prepared and submitted to the Commissioner, Deputy Commissioner of Support Services, and Branch Manager of Reentry.
- B. Scheduling of transportation for HIP violators from the local jail to an institution shall be handled by the Classification Branch.

VIII. RESPONSE TO HOME INCARCERATION MONITORING VIOLATION OUTSIDE OF BUSINESS HOURS and ON STATE HOLIDAYS

- A. If an inmate has an unexcused absence of one hour and thirty minutes (1.5 hours) or more, with the time calculated from the monitoring center's first notice of violation, the probation and parole officer or his designee shall make a home visit and verify if the inmate is at home and in compliance for the following inmates:
 - 1. Community Custody, Minimum or Restricted custody - within one (1) business day; and
 - 2. Medium or Close custody - within twelve (12) hours.
- B. If a maximum custody inmate has an unexcused absence of one hour and thirty minutes (1.5 hours) or more, with the time calculated from the monitoring center's first notice of violation, and the monitoring company is unable to contact the inmate within thirty (30) minutes, then the monitoring company shall notify local law enforcement for immediate response.

IX. COMPLETION OF HOME INCARCERATION

- A. On the inmate's release date from home incarceration (i.e. minimum expiration date, transfer to parole, transfer to mandatory reentry supervision), the inmate

Policy Number	Effective Date	Page
25.12	July 6, 2012	8

shall report to the Probation and Parole District Office with all monitoring equipment for removal of the approved monitoring device. The device shall be removed, equipment shall be returned and the inmate shall be given his final discharge or parole paperwork.

- B. The probation and parole officer shall enter a case note to reflect the discharge from the Home Incarceration Program and the reason for discharge. The officer shall enter an external movement reflecting the discharge in the case management system.
- C. The probation and parole officer shall log the return of all equipment and return the equipment to the district office to be returned to the vendor. The vendor shall provide Probation and Parole a receipt upon return of the equipment.
- D. The probation and parole officer shall activate VINE immediately upon the inmate's release from the Home Incarceration Program.